



City of Loma Linda Official Report

Floyd Petersen, Mayor
Karen Hansberger, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: August 26, 2003
TO: City Council
VIA: Dennis R. Halloway, City Manager
FROM: Hector Guerra, Lieutenant
SUBJECT: Cost Recovery for Vehicle Tows

RECOMMENDATION

It is recommended that the City Council adopt Council Bill #R-2003-40, establishing a seventy-five dollar (\$75) fee for the recovery of costs associated with the towing of vehicles by Sheriff's Deputies and City Code Enforcement Officers.

BACKGROUND

As part of our efforts to reduce costs associated with law enforcement activities, we conducted a review of routine and repetitive tasks performed by the Sheriff's Deputies. The towing of vehicles as a result of violations of laws requires the expenditure of valuable patrol time. The average time required for a deputy to tow a vehicle, is slightly over one hour. This includes but is not limited to: investigative time, time waiting for tow trucks, completion of reports, and sending teletypes. Currently, our deputies are towing over two hundred vehicles per year. Although performance of this task generally cannot be avoided or reduced, recovery of costs associated with the completion of the task is allowable by law. The City of Loma Linda is one of only two cities in the San Bernardino Valley that does not pursue the recovery of these costs.

ANALYSIS

The California Government Code allows for the recovery of expenses up to one thousand dollars (\$1,000) for acts of wrongful conduct by individuals, which result in response by emergency personnel and equipment.

Section 22651 of the California Vehicle Code authorizes the removal or tow of a vehicle by a peace officer or city code enforcement officer.

The City of Loma Linda currently has ordinances in place, which allow for the recovery of costs associated with other tasks performed by city personnel. Recovery of costs associated with the towing of vehicles would fall under these ordinances as well; however, it would require the passage of a resolution establishing the charging of a fee for the release of the towed vehicle.

A survey of neighboring communities indicates that the average fee charged for a towed vehicle release is seventy-five dollars (\$75). The actual cost associated with the towing of a vehicle by our deputies is slightly higher; however, it would seem reasonable to use the average rate of \$75. The projected cost recovery generated by this fee is between \$15,000 and \$20,000 annually.

FINANCIAL IMPACT

Cost recovery of \$15,000 - \$20,000 annually.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LOMA LINDA, ESTABLISHING AN ADMINISTRATIVE FEE
FOR THE RELEASE OF CERTAIN VEHICLES

WHEREAS, Section 22651 of the California Vehicle Code authorizes the removal or tow of a vehicle by a City police or code enforcement officer; and

WHEREAS, due to the nature of the removal or tow of a vehicle, costs are incurred by the enforcing agency; and

WHEREAS, it has been determined that cost recovery for certain removal or towing vehicles will occur;

NOW, THEREFORE, the City Council of the City of Loma Linda does hereby resolve as follows:

Section 1. Administrative cost recovery will occur for the following circumstances in which a vehicle is towed:

a. When a vehicle is parked or left standing upon a highway for 72 or more hours in violation of a local ordinance authorizing removal and after adequate warning has been posted on the vehicle.

b. When a vehicle is found upon a highway, any public lands, or an off-street parking facility with a registration expiration date in excess of six (6) months before the date it is found.

c. When an officer issues the driver of a vehicle a notice to appear for being unlicensed or driving with a suspended license.

d. When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is, by this code or other law, required or permitted to take, and does take, the person into custody.

e. When an officer causes the tow or removal of a vehicle pursuant to any other authority given to said officer by this code or other law.

Section 2. Pursuant to Section 22852 of the California Vehicle Code, the registered and legal owners of towed vehicle in the circumstances stated above are to be provided an opportunity for a hearing to determine the validity of the vehicle storage resulting from the tow. If reasonable grounds are not established in the hearing, the Sheriff's Department will be responsible for the administrative fee and tow charge.

Section 3. The administrative fee for towing a vehicle in the above-stated circumstances is \$75.00

Section 4. The administrative fee shall not be charged in the circumstances where:

1. The tow or impound was as a result of a third party's criminal activity, or

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2. Such vehicle was found to be obstructing traffic due to mechanical malfunction, or
3. The driver was found to be incapacitated due to illness or injury.

PASSED, APPROVED AND ADOPTED this 26th day of August 2003 by the following
vote:

Ayes:
Noes:
Absent:
Abstain:

Floyd Petersen, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk